

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) Method for delivering messages to a mobile terminal device in case of an unsuccessful message delivery attempt to said mobile terminal device from a Store-and-Forward Entity (SFE) of a mobile communication network having a presence service, ~~said presence service providing an information about the attainability of said mobile terminal device, characterized by: comprising:~~
  - receiving a notification about an unsuccessful delivery attempt of said message, and
  - subscribing to said presence service for receipt of notifications about the attainability of said mobile terminal device,
  - checking availability information of said mobile terminal device in said presence service for an acceptance of said message by said mobile terminal device,
  - initiating a delivery attempt of said message to said mobile terminal device, in accordance with the result of said checking,
  - wherein said availability information for the acceptance of said messages by said mobile terminal device comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.
2. (Previously Presented) Method according to claim 1, further comprising:
  - receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information,
  - starting a delivery attempt of said message to said mobile terminal device, in accordance with said received status change notification message.
3. (Previously Presented) Method according to claim 1, wherein said message is a multi media message.
4. (Previously Presented) Method according to claim 1, further comprising receiving of said message to be transmitted to said mobile terminal device.
5. (Previously Presented) Method according to claim 1, further comprising checking

availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.

6. (Previously Presented) Method according to claim 1, wherein said availability information for acceptance of said message is depending on properties of said message.

7. (Original) Method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.

8. (Previously Presented) Method according to claim 1, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile terminal device.

9. (Previously Presented) Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of claim 1 when said software tool is implemented in a computer program embodied in a computer readable medium for running on a Store-and-Forward Entity or a network device.

10. (Previously Presented) Computer program embodied in a computer readable medium for performing a delivery attempt of a message to a mobile terminal device in accordance with the availability status of said mobile terminal device in a communication network, comprising program code means for carrying out the steps of claim 1 when said program is run on a Store-and-Forward Entity or a network device.

11. (Previously Presented) Computer program product embodied in a computer readable medium comprising program code means for carrying out the method of claim 1 when said program product is run on a Store-and-Forward Entity or a network device.

12. (Currently Amended) ~~Store and Forward Entity connectable to a mobile communication network having a presence service for store and forwarding a message to a mobile terminal device, characterized by:~~ An apparatus, comprising:

a component for receiving a notification about an unsuccessful delivery attempt of a ~~[[said]]~~ message, and

a component for subscribing to a ~~[[said]]~~ presence service for receipt of notifications about the attainability status of a ~~[[said]]~~ mobile terminal device, ~~and~~

wherein said presence service is for storing and forwarding said message to said mobile terminal device, and

wherein said presence service provides an information about acceptance of said message selected from the group comprising: message type, message size, message content, sender type, sender, and location of said mobile terminal device.

13. (Currently Amended) ~~Store-and-Forward-Entity~~The apparatus according to claim 12, further ~~characterized by~~comprising:

a component for checking availability information of ~~[[a]]~~ said presence service for an acceptance of said message by said mobile ~~phone~~terminal device, and

a component configured to initiate a delivery attempt of said message to said mobile terminal device, in accordance with the operation of said checking component.

14. (Currently Amended) ~~Store-and-Forward-Entity~~The apparatus according to claim 13, further comprising a component for checking availability information of said presence service for the availability of said mobile terminal device.

15. (Currently Amended) ~~Store-and-Forward-Entity~~The apparatus according to claim 13, further comprising a component for receiving messages to be transmitted to said mobile terminal device.

16. (Currently Amended) ~~Store-and-Forward-Entity~~The apparatus according to claim 12, further comprising a component to change said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.

17. (New) An apparatus, comprising:

means for receiving a notification about an unsuccessful delivery attempt of a message, and

means for subscribing to a presence service for receipt of notifications about the attainability status of a mobile terminal device,

wherein said presence service is for storing and forwarding said message to said mobile terminal device, and

wherein said presence service provides an information about acceptance of said message selected from the group comprising: message type, message size, message content, sender type, sender, and location of said mobile terminal device.

18. (New) The apparatus according to claim 17, further comprising:

means for checking availability information of a presence service for an acceptance of said message by said mobile terminal device, and

means for initiating a delivery attempt of said message to said mobile terminal device, in accordance with the operation of said checking component.